

# REGISTER



## South Dakota Legislative Research Council

Volume 41

Monday, 8:00 a.m., July 28, 2014

**NOTICE OF PROPOSED RULES:** (The date in parentheses is the date the rules were filed in the Legislative Research Council.)

**Department of Corrections:** (July 23, 2014) intends to adopt rules to administer the reinvestment fund program. The general authority for these rules, as cited by the department, is SDCL § 1-15-36.

A public hearing will be held at 1:00 p.m. on August 18, 2014, in the Department of Corrections Administration Building, 3200 East Highway 34, Pierre, South Dakota. Copies of the proposed rules may be obtained without charge from and written comments sent to Mandy Nielsen, Department of Corrections, 3200 East Highway 34, Pierre, South Dakota 57701. Copies of the proposed rules are also available at <http://rules.sd.gov>. Written comments must be received by August 28, 2014, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-3478 at least 48 hours before the hearing.

### FILINGS IN THE SECRETARY OF STATE'S OFFICE:

#### Executive Appointments:

**Jayne Parsons**, Fort Pierre, was appointed on July 23, 2014, to the **Behavioral Health Advisory Council**, to replace Gregory Sands, effective immediately and shall continue until October 30, 2014.

**Patricia White Horse Carda**, Wagner, was appointed on July 23, 2014, to the **Board of Pardons and Paroles**, to replace Debra C. Flute, effective immediately and shall continue until January 19, 2016.

Note: A copy of the rules may be obtained directly from the above agencies or at <https://rules.sd.gov>. Write to the agency at the address given under "Notices of Proposed Rules." There is no charge for proposed rules. The following agencies have permission from the Interim Rules Review Committee to charge for adopted rules: the Division of Insurance, the Cosmetology Commission, the State Board of Examiners in Optometry, the State Plumbing Commission, the Board of Nursing, the Department of Social Services, the State Electrical Commission, the South Dakota Board of Pharmacy, the Real Estate Commission, the Gaming Commission, the Department of Revenue and Regulation, and the Department of Labor for Article 47:03.

### REMINDER OF HEARINGS SCHEDULED

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| 8-7-2014 | Game, Fish and Parks | Amend a Waterfowl Hunting Seasons (Duck Hunting Season) rule to decrease the daily bag limit for canvasback from 2 to 1 and allow 2 bonus blue-winged teal for the first 16 days of the duck season; amend Waterfowl Hunting Seasons (Goose Hunting Season) rules to increase the daily bag limit for light geese from 20 to 50 and change Unit 2 so the season is open for 105 days preceding (and including) |
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|           |  | <p>the Sunday closest to February 15; and amend Fall Wild Turkey Hunting Season rules to adjust the number of licenses/tags available in the East River Prairie Units, Unit BH1, NE Unit and in Brookings, Deuel, Lincoln, Minnehaha and Moody counties, change the season dates from October 1 – January 31 to November 1 – January 31, modify Unit BH1 to include those portions of Custer, Fall River, Lawrence, Meade, and Pennington counties within a line beginning at the junction of U.S. Hwy. 85 and Interstate 90 at exit 17, south on U.S. Hwy. 85 to U.S. Hwy. 385, south on U.S. Hwy. 385 to S.D. Hwy 89, south on S.D. Hwy. 89 to Pilger Mountain Road, west on Pilger Mountain Road to Dewey Road, west on Dewey Road to the WY/SD line, south on the WY/SD line to U.S. Hwy. 18, east on U.S. Hwy. 18 to the Cheyenne River, east along the Cheyenne River to S.D. Hwy. 79, north on S.D. Hwy. 79 to Interstate 90, north and west on Interstate 90 to exit 17, the point of beginning, change the unlimited West River Prairie licenses from a two-tag license to a single tag license, and close Bennett, Corson, Custer, Fall River, Haakon, Jackson, Lawrence (south of Interstate 90), Meade, Pennington, Shannon and Ziebach counties to fall turkey hunting in the West River Prairie Unit, and reduce the total number of fall wild turkey licenses a person may obtain from 5 licenses to 2 licenses; 41 SDR 11, July 21, 2014.</p> |
| 8-14-2014 | Bureau of Human Resources and Civil Service Commission | <p>Amend rules to revise the term, "mental retardation" to read "developmental disability;" place the definitional terms in alphabetical order and clarify the term "eligible" employee to include permanent part-time employees; revise a rule to read "one month" rather than "31 days;" repeal a rule because state employee life insurance coverage is now portable; revise a rule to allow retirees who retire prior to November 1, 2014, to elect coverage through the state health plan even if they fail to elect coverage in the first 30 days after retirement and remove the requirement that the eligible retiree provide proof of eligibility; extend the probationary period of conservation officers and university law</p>  |

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|           |  | enforcement officers from 1,040 hours to 2,080 hours; correct grammatical errors; correct a cross-reference; and add the term "pay" to exclusion of issues that employees cannot appeal; 41 SDR 11, July 21, 2014.   |
| 8-18-2014 | Corrections  | Adopt rules to administer the reinvestment fund program; 41 SDR 17, July 28, 2014.   |
| 8-19-2014 | Attorney General: Law Enforcement Officers Training and Standards Commission | Amend rules to permit the Department of Corrections to certify canine teams for use in the Department of Corrections facilities; 41 SDR 1, July 7, 2014.   |
| 8-26-2014 | Labor and Regulation: Division of Unemployment Insurance                     | Amend rules to clarify when a week of unemployment starts, eliminate procedures used when unemployment insurance claims are filed in-person at a local Labor and Regulation office, correct an authorizing statute, clarify the time period for when claims for weeks of unemployment will be accepted, change the requirement from having an eligibility interview to having an eligibility assessment, eliminate the need for individuals to keep a copy of job contacts, clarify the effective date of a disqualification, and add a new industry, seasonal small game cleaning services, to the list of seasonally designated industries, so former employees can only claim benefits in the period the industry is open for business; 41 SDR 12, July 21, 2014. |

### **RULES REVIEW COMMITTEE MEETINGS**

The next meeting of the Interim Rules Review Committee will be held on Tuesday, August 12, 2014, in Room 414, Fourth Floor of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2014 interim: September 16, November 12, and December 16.

**Note:** An updated version of the Administrative Rules Guide to Form and Style is available on the LRC website at <http://legis.sd.gov/Rules/RulesManual.aspx>.

